

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Troy Healthcare, LLC, a Pennsylvania
limited liability company,

Plaintiff,

v.

Nutraceutical Corporation, a Delaware
corporation, et al.,

Defendants.

CASE NO. C11-844-RSM

ORDER ON MOTIONS

This matter comes before the Court upon Defendants' Motion to Expedite Briefing Schedule of Motion to Extend Deadline to Respond to Motion for Preliminary Injunction (Dkt. #28) and Defendants' Motion for Extension of Time to Respond to Motion for Preliminary Injunction (Dkt. #30). For the reasons set forth below, Defendants' motions are denied.

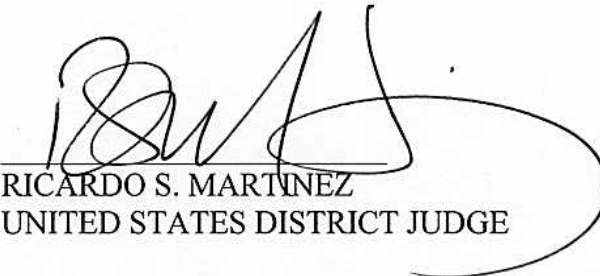
Plaintiff sells over-the-counter topical analgesics under the STOPAIN® mark. Defendants have begun selling an over-the-counter topical analgesic product called DROPAIN. On May 18, 2011, Plaintiffs filed a complaint and motion for temporary restraining order, alleging infringement of Plaintiff's trade dress, trademarks, and false advertising. Dkt. #s 1 & 4.

1 The Court determined that Plaintiff's Motion for a Temporary Restraining Order and attached
2 declarations did not fulfill the requirements for issuance of a temporary restraining order and that
3 it would be premature to grant Plaintiff's motion without allowing Defendants an opportunity to
4 be heard in opposition. Dkt. #23. It thereby converted the motion for temporary restraining
5 order to a motion for preliminary injunction and set a hearing for June 2, 2011. *Id.* It also set
6 forth an expedited briefing schedule.

7 Defendants have filed a motion for extension of time to respond to Plaintiffs' motion for
8 preliminary injunction. Dkt. #30. They have also filed a motion to expedite the briefing
9 schedule of their motion for an extension of time. Dkt. #28. In accordance with Local Rule
10 7(d)(2), both motions are noted for Friday, June 3, 2011. There is no mechanism under the Local
11 Rules for the Court to consider either of Defendants' motions prior to the preliminary injunction
12 hearing, scheduled on Thursday, June 2, 2011. Accordingly, the Court cannot grant the relief
13 requested. The Court hereby DENIES Defendants' motions.

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15 Dated May 20, 2011.

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18 RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE
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